

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Francois Rey

Application No.: 09/786,778

Confirmation No.: 6588

Filed: March 8, 2001

Art Unit: 2424

For: APPLICATION DATA TABLE FOR A
MULTISERVICE DIGITAL TRANSMISSION
SYSTEM

Examiner: U. Raman

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT
TO 37 C.F.R. § 1.705(B)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Applicant respectfully requests reconsideration of the patent term adjustment listed on the Notice of Allowance for the referenced application. Specifically, Applicant respectfully requests that the patent term adjustment be changed to reflect 2350 days of patent term adjustment. Further, pursuant to 37 CFR § 1.705(b)(2), the statement of the pertinent facts are set forth below.

1. The complete application was filed on March 8, 2001.
2. A restriction requirement was mailed on October 3, 2006.

3. A complete response to the restriction requirement was timely filed on November 1, 2006.
4. An Office Action was mailed on February 21, 2007.
5. A complete reply to the Office Action was filed on June 21, 2007.
6. An Office Action was mailed on October 10, 2007.
7. A Request for Continued Examination was filed on January 9, 2008.
8. An Office Action was mailed on April 4, 2008.
9. A complete reply to the Office Action was filed on October 8, 2008.
10. An Office Action was mailed on January 21, 2009.
11. A Request for Continued Examination was filed on July 20, 2009.
12. An Office Action was mailed on August 21, 2009.
13. A complete reply to the Office Action was filed on November 17, 2009.
14. An Office Action was mailed on March 18, 2010.
15. A Notice of Appeal and Pre-Appeal Request for Review was filed on June 17, 2010.
16. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on August 6, 2010.

17. A Request for Continued Examination was filed on October 5, 2010.
18. A Notice of Allowance was mailed on August 9, 2012, listing a patent term adjustment of 0 days.

There was a delay by the USPTO of 1609 days between the date 14 months from the original filing date, i.e., the date that a first Action should have been issued, and the actual mailing date of the Restriction Requirement. Accordingly, the application should be afforded 1609 days of patent term adjustment.

An Office Action was mailed on February 21, 2007, in response to which a Reply was not filed until June 21, 2007. Thus, 31 days of Applicant delay should be counted.

An Office Action was mailed October 10, 2007, in response to which a Request for Continued Examination (RCE) was filed on January 9, 2008, ending the (b) delay period of 1402 days minus the previously stated Applicant delay of 31 days, and overlapping days with (a) delay of 939 days, making the (b) delay 432 days.

An Office Action was mailed on April 10, 2008, in response to which a Reply was not filed until October 8, 2008. Thus, 90 days of Applicant delay should be counted.

An Office Action was mailed on January 21, 2009, in response to which an RCE was not filed until July 20, 2009. Thus, 90 days of Applicant delay should be counted.


Furthermore, an additional RCE was filed on October 5, 2010. There was a delay by the USPTO of 551 days between the RCE filing date and the date the USPTO has to issue another Action, i.e., the date that an Action should have been issued, and the actual mailing date of the Action. Accordingly, the application should be afforded 551 days of patent term adjustment.

The Notice of Allowance was mailed August 9, 2012, listing a patent term adjustment of 0 days. However, in view of the above, the patent term adjustment should have been 2381 days. Thus, Applicant respectfully requests the Patent Term Adjustment be changed to reflect a Patent Term Adjustment of 2381 days.

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/030001).

Dated: November 6, 2012

Respectfully submitted,

By  #45,079
Jonathan P. Osha *FRANKS SCHLICK*
Registration No.: 33,986
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant